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| APPLICATION NO.                                                                                                   | FILING DATE | FIRST NAMED INVENTOR      | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------------------------------|-------------|---------------------------|---------------------|------------------|
| 10/569,175                                                                                                        | 02/22/2006  | Johann Thomas Rogatschnig | ATO30047            | 2012             |
| 24737 7590 05/07/2009<br>PHILIPS INTELLECTUAL PROPERTY & STANDARDS<br>P.O. BOX 3001<br>BRIARCLIFF MANOR, NY 10510 |             |                           |                     |                  |
| EXAMINER<br>RACHUBA, MAURINA T                                                                                    |             |                           |                     |                  |
| ART UNIT<br>3727                                                                                                  |             | PAPER NUMBER              |                     |                  |
| MAIL DATE<br>05/07/2009                                                                                           |             | DELIVERY MODE<br>PAPER    |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/569,175

**Applicant(s)**ROGATSCHNIG, JOHANN  
THOMAS**Examiner**

Maurina Rachuba

**Art Unit**

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 March 2009 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 depends from canceled claim 6, therefore, the scope of the claim cannot be readily determined.

### ***Claim Rejections - 35 USC § 103***

4. Claims 1-5 and 7 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Duda, 3,950,847 in view of Taniguchi et al, 6,568,083. Please refer to figure 1 of '847. '847, figure 2 and column 3, lines 4 through column 4, lines 32, discloses the claimed invention, including a housing having a passage, the housing containing a motor and a driving means drivable by the motor, at least one short hair

cutting device (5, 6) projecting out of the housing through the passage and comprising a short hair cutting tool drivable by the motor and driving means 15, and with a long hair cutting device projecting out of the housing through the passage and comprising a first long hair cutting tool 10 which is not driven by the motor and a second long hair cutting tool 11 drivable by the motor and driving means and located between the first long hair cutting tool and the short hair cutting tool. '847 does not disclose a carrying device that moves the long and short hair cutters between two upper and lower positions, with a slide button. '083, in a similar device, teaches a shaver having a housing, see for example figure 4B, the housing containing the motor and drive means, (the same structure broadly disclosed by applicant, see '083, column 9, lines 34 through column 10, lines 22), the short hair cutter and long hair cutter positioned on a carrier, which has several positions, the short and long hair cutters project further outside the housing when the carrying device is located in a second position than when it is in a first position, see for example column 7, lines 5-24, "The head frame 70 thus supporting the outer cutters 62 is mounted on tip of the housing and is connected to a height adjust mechanism so as to be vertically moveable relative to the housing between a high position of FIG. 1 and a low position." Further column 7, lines 13-19, "The cutter holders 63 each carrying the outer cutter 62 are provided for short hair shaving, while a long hair shaving cutter unit 66 is also supported to the head frame 70...". The examiner considers that the rotating dial is a slide button, and that as it rotates, it has a motion component in the vertical direction, which meets the claimed limitation. Note also that the cutting characteristic of the long hair cutter is changed, the characteristic

being the distance, without altering a cutting characteristic of the short hair cutter. It would have been obvious to one of ordinary skill in the art to have provided '847 with the carrier and button taught by '083, for the predictable result of moving the cutters within the housing to adjust cutting characteristics of the long hair cutter.

### ***Response to Arguments***

5. Applicant's arguments filed 23 March 2009 have been fully considered but they are not persuasive. Applicant argues that Taniguchi provides that when the head fn types of cutters are changed. It is noted that the head frame does not move, rather, the cutter holders 63 and blade 70 each move individually relative to the head frame, such that when the holder 63 moves the cutting characteristics of the blade 70 remains substantially unchanged. See Taniguchi, column 7, lines 8-16.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurina Rachuba whose telephone number is 571 272 4493. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Rachuba/  
Primary Examiner, Art Unit 3727